

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 08-CR-288(SJ)  
:  
-against- : United States Courthouse  
: Brooklyn, New York  
:  
THOMAS ARCHER and : Tuesday, May 27, 2008  
8 RUKHSANA RAFIQUE, : 9:30 a.m.  
:  
9 Defendants. :  
:  
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE STERLING JOHNSON, JR.  
UNITED STATES SENIOR DISTRICT JUDGE

A P P E A R A N C E S:

14 For the Government: BENTON J. CAMPBELL, ESQ.  
United States Attorney  
15 Eastern District of New York  
271 Cadman Plaza East  
16 Brooklyn, New York 11201  
BY: MARISA SEIFAN, ESQ.  
17 Assistant United States Attorney

18 For the Defendant: FEDERAL DEFENDERS OF NEW YORK  
Attorneys for the Defendant -  
19 Rukhsana Rafique  
One Pierrepont Plaza  
20 16th Floor  
Brooklyn, New York 11201  
21 BY: MILDRED WHALEN, ESQ.

22 Court Reporter: Anthony D. Frisolone, CSR, RDR, CRR, CRI  
Official Court Reporter  
23 Telephone: (718) 613-2487  
Facsimile: (718) 613-2694  
24 E-mail: Anthony\_Frisolone@nyed.uscourts.gov

25 Proceedings recorded by computerized stenography. Transcript  
produced by Computer-aided Transcription.

1 (In open court.)

2 (Defendants present in open court.)

3 COURTROOM DEPUTY: All rise, the United States  
4 District Court for the Eastern District of New York is now in  
5 session, the Honorable Sterling Johnson is now presiding.

6 (Honorable Sterling Johnson takes the bench.)

7 COURTROOM DEPUTY: Calling criminal cause for  
8 status conference in Docket No. 08-CR-288, *United States of*  
9 *America against Thomas Archer and Rukhsana Rafique.*

10 Counsel, please note your appearances for the  
11 record.

12 MS. SEIFAN: For the United States of America,  
13 Assistant United States Attorney Marisa Seifan.

14 Good afternoon, Your Honor.

15 MS. WHALEN: Mildred Whalen for Rukhsana Rafique.

16 Good afternoon, Your Honor.

17 COURTROOM DEPUTY: Interpreter, please raise your  
18 right hand.

19 (Interpreter sworn.)

20 THE INTERPRETER: I do.

21 MS. SEIFAN: Marisa Seifan for the Government.

22 MS. WHALEN: Federal Defenders of New York by  
23 Mildred whalen for Rafique.

24 THE DEFENDANT: Thomas Archer. I spoke to my  
25 attorney, he is on his way.

1 MS. SEIFAN: I am standing in for Valerie Tocci who  
2 is on vacation and my understanding is that she will provide  
3 discovery to the defendants by the end of this week.

4 THE COURT: How long is this case?

5 MS. WHALEN: Your Honor, it just -- I'm not sure  
6 how lengthy it would be. It probably, I would guess, a week  
7 or two. We're just out of arraignments; we haven't received  
8 discovery. We had talked at this last date about adjourning  
9 time for review of the discovery. I believe my understanding  
10 is that there are tape recordings that need to be made  
11 available. I think they're in Urdu so I will have my client.

12 THE COURT: Let's get a date for the end of --

13 MS. WHALEN: Your Honor, also, my client's son is  
14 getting married in Colorado at the end of June. I've spoken  
15 to Ms. Tocci and her pretrial officer, they have no objection  
16 to her traveling. So, if we could get something either at  
17 the end of the week or the following week I think that would  
18 be good I think sheets going to be gone from June 26th to the  
19 30.

20 THE COURT: Get it at the beginning.

21 MS. WHALEN: And also if I can confirm that the  
22 Court has no objection to her going to her son's wedding.

23 THE COURT: Get an order and I will sign it.

24 Time is excluded for negotiations and  
25 unavailability of counsel. Tell your lawyer he should have

1 been here.

2 What are the allegations?

3 MS. SEIFAN: Your Honor, the two defendants, an  
4 attorney and his assistant, engaged in the business of  
5 obtaining immigrant visas for non-U.S. citizens in the  
6 preparation of fraudulent forms and documentation which was  
7 for an immigration amnesty program which provided for illegal  
8 aliens who you were in the country prior to January 21, 1982.

9 THE COURT: Okay. Next case.

10 MS. WHALEN: We didn't get a date.

11 THE COURT: Put it down for June 23rd.

12 MS. SEIFAN: Thank you.

13 MS. WHALEN: Thank you.

14 MS. SEIFAN: 9:30, Your Honor?

15 THE COURT: Yes.

16 (WHEREUPON, the proceedings were adjourned to June  
17 23, 2008, at 9:30 a.m.)

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20 CERTIFICATE OF REPORTER

21 I certify that the foregoing is a correct transcript of  
22 the record of proceedings in the above-entitled matter.

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Anthony D. Frisolone, CSR, RDR, CRR, CRI  
Official Court Reporter